IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

FIRST APPEAL NO. 290 OF 2004.

The State of Maharashtra **....Appellant.**
(Ori. Respondent**)**

Versus

Rama S/o Ganpati Jagadale.
Age, 45 Occup-Agirl, R/o Sawaleshwar,
Tq. Kaij Dist. Beed. **....Respondent**
(Ori. Applicant)

WITH
FIRST APPEAL NO. 292 OF 2004.

The State of Maharashtra **....Appellant.**
(Ori. Respondent**)**

Versus

Shriram S/o Hirischandra Pawar,
Age,23 yrs, Occup-Agirl,
R/o. Sawaleshwar,Tq. Dist. Kaij.
Beed. **....Respondent**
(Ori. Applicant)

WITH
FIRST APPEAL NO. 293 OF 2004.

The State of Maharashtra **....Appellant.**
(Ori. Respondent**)**

Versus

Sambhaji S/o Shamrao Jagadale,
Age,35 yrs, Occup-Agirl, R/o
Sawaleshwar,Tq. Kaij. Dist.
Beed. **....Respondent**
(Ori. Applicant)

WITH
FIRST APPEAL NO. 294 OF 2004.

The State of Maharashtra **....Appellant.**
(Ori. Respondent**)**

Versus

Baruka Shamrao Jagadale,
Age,40 yrs, Occup-Agirl, R/o
Sawaleshwar,Tq. Kaij. Dist.
Beed. **....Respondent**
(Ori. Applicant)

WITH
FIRST APPEAL NO. 295 OF 2004.

The State of Maharashtra **....Appellant.**
(Ori. Respondent**)**

Versus

Ambadas S/o Bhau Maske,
Age,50 yrs, Occup-Agirl, R/o
Wawaleshwar,Tq. Kaij. Dist.
Beed. **....Respondent**
(Ori. Applicant)

WITH
FIRST APPEAL NO. 296 OF 2004.

The State of Maharashtra **....Appellant.**
(Ori. Respondent**)**

Versus

1 Bibishan S/o Pandharinath Maske,
Age 30 years, Occ. Agri. R/o Savaleshwar
Tal. Kaij, Dist. Beed.

2 Dadarao S/o Pandharinath Maske,
Age 15 years, Minor U/g of Bhibishan
S/o Pandharinath Maske, Age 30 years,
Occ- Agri, R/o savleshwar Tq. Kaij,
Dist. Beed. **....Respondents**
(Ori. Applicants)

WITH
FIRST APPEAL NO. 297 OF 2004.

The State of Maharashtra **....Appellant.**
(Ori. Respondent**)**

Versus

Manik S/o Dasu Maske,
age.43 yrs. Occup-Agril.

1 Mukunda S/o Bhau (Minor)

2 Govind S/o Bhau (Minor)

Nos.2 and 3 u/g. Of mother
Kamal W/o Bhau Maske, Age. 32 yrs.
Occu-Agril. R/o, Sawaleshwar
Tq. Kaij. District. Beed. ....**Respondents**
(Ori. Applicants)

WITH
FIRST APPEAL NO. 298 OF 2004.

The State of Maharashtra **....Appellant.**
(Ori. Respondent**)**

Versus

Maroti S/o Aba. Pawar,
Age. 60 yrs. Occup-Agril.
R/o Sawaleshwar, tq. Kaij.
Dist. Beed. ....**Respondent**
(Ori. Applicant)

WITH
FIRST APPEAL NO. 299 OF 2004.

The State of Maharashtra **....Appellant.**
(Ori. Respondent**)**

Versus

Raosaheb S/o Shamrao Jagadale,
Age. 40 yrs. Occup. Agril, R/o
Sawaleshwar, Tq. Kaij. Dist.
Beed.

1 Chandrakala W/o Raosaheb Jagadale.
Age. 35 yrs. Occup-Agril, R/o.
Sawaleshwar Tq. Kaij. Dist. Beed.

2 Parmeshwar S/o Raosaheb Jagadale,

(Minor) u/g. Mother Chandrakala,
W/o Raosaheb Jagadale, Ae. 35
Years. R/o Sawaleshwar, Tq. Kaij.
Dist. Beed. ....**Respondents**
(Ori. Applicants)

WITH
FIRST APPEAL NO. 300 OF 2004.

The State of Maharashtra **....Appellant.**
(Ori. Respondent**)**

Versus

Sopan S/o Tukaram Maske,
Age: 60 yrs, Occup-Agril, R/o
Sawaleshwar Tal- Kaij, Dist. Beed.
(Died through L.Rs.)

1 Kisan S/o Sopan Maske,
Age: 55 yrs. R/o. Sawaleshwar.

2 Gulab S/o Sopan Maske,
Age: 55 yrs R/o, Sawaleshward.

3 Janabai W/o Vithal Pawar,
Age: 60 yrs. R/o Dongarpimpla.

4 Lankawati W/o Baliram Khedkar,
Age: 40 yrs. Occup. Household,
R/o. Dongarpimpla, Tq. Kaij,

5 Kausalya W/o Mohan Ingle, Age 35 yrs,
Occup-Household, R/o Kalamb, Tq. Kallam
Dist. Osmanabad.

6 Vachhala Kanhijrao Pathate, Age. 32 yrs.
Occup-household, R/o Aher
Dhanora, Tq. and Dist. Beed. ....**Respondents**
(Ori. Applicants)

WITH
FIRST APPEAL NO. 301 OF 2004.

The State of Maharashtra **....Appellant.**
(Ori. Respondent**)**

Versus

Eknath S/o Jaiwantrao Pawar,
Age: 35 yrs. Occup-Agril, R/o
Sawaleshwar Tq. Kaij. Dist. Beed. ....**Respondents**
(Ori. Applicant)

WITH
FIRST APPEAL NO. 302 OF 2004.

The State of Maharashtra **....Appellant.**
(Ori. Respondent**)**

Versus

Yeshwanta S/i Bapurao Maske,
Age: 70 yrs. Occup-Agril, R/o.
Sawaleshwar, Tq. Kaij. Dist. Beed.
(Died through L.Rs.)

1 Shahurao S/o Yeshwantrao Maske
Age: 40 yrs. Occup- Agril R/o.
Sawaleshwar, Tq. Kaij, Dist. Beed. ....**Respondents**
(Ori. Applicants)

WITH
FIRST APPEAL NO. 303 OF 2004.

The State of Maharashtra **....Appellant.**
(Ori. Respondent**)**

Versus

Sakharam S/o Jaiwantrao Pawar.
Age: 55 yrs. Occup-Agril, R/o
Sawaleshwar, Tq. Kaij,
District. Beed. ....**Respondent**
(Ori. Applicant)

WITH
FIRST APPEAL NO. 304 OF 2004.

The State of Maharashtra **....Appellant.**
(Ori. Respondent**)**

Versus

Tulshiram S/o Jaiwantrao Jagadale,

Age: 40 yrs. Occup-Agril, R/o
Sawaleshwar, Tq. Kaij,
District. Beed. ....**Respondent**
(Ori. Applicant)

WITH
FIRST APPEAL NO. 305 OF 2004.

The State of Maharashtra **....Appellant.**
(Ori. Respondent**)**

Versus

Bankat S/o Jaiwantrao Pawar,
Age: 40 yrs. Occup-Agril, R/o
Sawaleshwar, Tq. Kaij,
District. Beed. ....**Respondent**
(Ori. Applicant)

WITH
FIRST APPEAL NO. 306 OF 2004.

The State of Maharashtra **....Appellant.**
(Ori. Respondent**)**

Versus

1 Parasram S/o Ramchandra Maske,
Age: 35 years,(Dead, His L.Rs.)

1/1 Sanjay S/o Parasram Maske,
Age: 40 Years, Occup. Agri.
R/o Savleshwar (Paithan) Tq. Kaij,
Dist. Beed.

1/2 Sundar S/o Parashram Maske,
Age 38 years, Occup Agri, R/o As above,

1/3 Sitabai W/o Vaijnath Shendge,
Age: 35 years, Occup Household,
R/o Adas, Tq. Kaij, Dist. Beed.

1/4 Meerabai W/o Satish Raut,
Age: 30 years, Occup household,
R/o Pimpri Tq. Kallam Dist. Osmanabad.

1/5 Rukhminbai W/o Parashram Maske,

Age: 50 years, Occup. Household, R/o
Sawaleshwarnagar (Paithan Tq. Kaij, dist. Beed.)

2 Shahaji S/o Ramchandra Maske,
Age: 30 years, Occup Agri,
R/o As above. ....**Respondents**
(Ori. Applicants)

WITH
FIRST APPEAL NO. 307 OF 2004.

The State of Maharashtra **....Appellant.**
(Ori. Respondent**)**

Versus

Vasant S/o Bhaurao Maske,
Age: 35 yrs. Occup-Agril R/o
Swaleshwar, Tq. Kaij. Dist.
Beed. . ...**Respondent**
(Ori. Applicant)

Ms. A.R. Borulkar, AGP, for State/Appellant.

Mr. S.S.Thombre, Advocate for, Respondent.

CORAM : T.V. NALAWADE, J.
DATED : 25th February,2016.

JUDGMENT :

1) The appeals are filed by the State Government against the judgments and awards of the Ad-hoc Additional District Judge, Ambajogai, District Beed, the Reference Court. The Reference Court has enhanced the compensation in references filed under section 18 of the Land Acquisition Act (hereinafter referred to as 'the Act' for short). Both the sides are heard.

2) The lands of respondents, original claimants were acquired for percolation tank. Notification under section 4 of the Act was published in official gazette on 14.11.1985 and the award was prepared on 26.3.1988. The Land Acquisition Officer gave the rate of Rs. 20,000/- per Acre in respect of Jirayat land and rate of Rs. 30,000/- in respect of of Bagayat land. Before the Reference Court, evidence was given on some sale instances and on that basis the Reference Court has given Rs. 350/- per R. for Jirayat land. In one matter bearing LAR No. 668/1989, there was Bagayat land and for that land, the rate of Rs. 500/- per R. is given by the Reference Court.

3) One sale instance was of the year 1980 and under the sale instance 7 R. portion from the same village was purchased for consideration of Rs. 5,000/-. The other sale instance was of the year 1986 and it was of 14 R. land, which was sold for consideration of Rs. 14,000/-. 7 R. portion in the aforesaid sale instance was Jirayat land. The purchaser of 14 R. portion from the sale instance had purchased the land as it was adjacent to his land and there were some plus factors for him. If the sale instance which was of the period prior to the date of notification is considered as comparable sale instance, 10% increase can be given in the rate as it was old by atleast 5 years.

The share in the water of the well along with this land was purchased and due to this circumstance, some amount can be deducted to ascertain the market price of the acquired land. This land was also adjacent to the land of the purchaser and for that factor also, some amount could have been deducted. After giving 10% increase, the rate could have been fixed atleast as Rs. 900/- per R. After adjusting the plus factors for the purchaser of the sale deed the price could have been reduced to some extent. The Reference Court has reduced the price atleast by 400/- to give rate of Rs. 500/- per R. for Bagayat land and it is further reduced to ascertain the rate of Jirayat land, though in ordinary course for Jirayat land half of the rate of Bagayat land could have been given. It can be said that in view of the aforesaid circumstances, much higher rate could have been given for Bagayat land. In view of these circumstances, this Court holds that no error is committed by the Reference Court in giving aforesaid rates for Bagayat land and Jirayat lands.

4) In the result, the appeals are dismissed.

[T.V. NALAWADE, J.]

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